employee. "A person may at one time be an employee when passing over a railroad, and at another time, in passing over the same road, be a passenger, though continuing all the while in a popular sense to be in the employment of the railroad company. *Doyle* v. *Fitchburg R. Co*, 162 Mass. 66, 37 N. E. Rep. 770, 25 L. R. A. 157. Where the employee was not under the control of his employer and had no duty to perform nor control over the movement of the train, he was held a passenger. *Gillenwater* v. *R. R.*, 5 Ind. 339, 61 Am. Dec. 101; *State, use of Abell* v. *R. R.*, 63 Md., 435. See, also, as to gratuitous passengers, *Philadelphia & Reading R. R.* v. *Derby*, 14 Howard 468. The principle case is, however, opposed to the weight of authority since it is now well settled, that a servant, although not actually engaged in work at the time, continues a servant during his transportation, where the express purpose of that transportation is to bring him more quickly and conveniently to his place of work. See, *Vick* v. *R. R. Co.*, 95 N. Y. 267, 47 Am Rep. 36; *Manvill* v. *C. & T R. R.*, 11 Ohio St. 417; *O'Brien* v *B & A. R. R*, 138 Mass. 387, 52 Am. Rep. 279; and *Tunney* v. *Midland R. R.*, L. R. 1 C. P. 291, 12 Jur., N. S., 691.

CONSTITUTIONALITY OF STATUTE—GUARANTY OF FREEDOM OF SPEECH—IMMIGRATION—EXCLUSION OF ANARCHISTS.—The immigration act of March 3, 1903, increased the number of classes of aliens who were to be excluded from admission into the United States. Among the additional classes are Anarchists, or persons who advocate the overthrow by force of governments. The board of special inquiry examined into the facts and decided that Turner is an "anarchist" and therefore excluded. Turner contends that the exclusion act contravenes the first amendment to the constitution which says that, 'Congress shall make no law abridging the freedom of speech."—*Held*: that the clause in the constitution concerning the abridgment of "freedom of speech" refers to the speech of persons in the United States and has no bearing upon the question what person shall be allowed to enter therein. *United States ex rel Turner* v. *Williams, Immigration Com'r.* (1903), —C. C. S. D. N. Y —26 Fed. Rep. 253.

The contention of relator that the exclusion act is unconstitutional has been raised in very many cases and in all of them overruled. Relator concedes the power of Congress to exclude all the persons enumerated except anarchists, contending that in the other cases the differentiation is physical rather than mental. In this decision the court followed the principles laid down in *Epieu's Case*, 142 U. S. 657, 12 Sup. Ct. 336, 35 L. Ed. 1146, and a long line of similar decisions. It is an accepted maxim of international law, that every sovereign nation has the power as inherent in sovereignty and essential to self-preservation, to forbid the entrance of foreigners within its dominions, or to admit them in such cases only and upon such conditions as it may see fit to prescribe. VATTEL, lib. 2 §§ 94, 100: 1 PHILLIMORE (3rd. Ed), c. 10, § 220, *Fong Yue Ting* v. *United States*, 149 U. S. 698.

CONSTITUTIONAL LAW—CIVIL RIGHTS—POWER OF CONGRESS—CONSPIRACY AGAINST NEGROES.—Defendants were indicted for conspiring to prevent negroes from the free exercise of leasing and cultivating lands, solely by reason of their race and color, under the Civil Rights Act, (§ 1978, 1866), which gives such rights to all citizens and provides a penalty for their infringement. *Held*, on demurrer to the indictment that the statute was constitutional and a proper exercise of the power by Congress. *United States* v. *Morris* (1903), 125 Fed. Rep. 322, — D. C. E. D Ark.

Under the decision in *Scott* v. *Sanford*, 19 How. 393, 405; a negro, until after the enactment of the 13th Amendment and the civil rights act of 1866,